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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,577	12/18/2000	Yosef Freedland	JST-14	6342

7590 02/24/2004

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EXAMINER

REIP, DAVID OWEN

ART UNIT	PAPER NUMBER
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3731

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DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

In response to the non-final Office action mailed 24 Apr 2003 (paper #19), applicant submitted a timely filed amendment on 24 Jul 2003 (paper #20) which appeared bona fide but was not fully responsive to the non-final Office action. A notice of non-responsive amendment was mailed to the applicant on 13 Jan 2004 (paper #21), setting a new time period for reply of 1-month or 30 days, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

Subsequently, applicant submitted a timely response by fax on 03 Feb 2004 (paper #23) to the notice of non-responsive amendment. However, this response is also not fully responsive because, instead of the applicant supplying the omission or correction to the paper #20 amendment, the applicant appears to have deliberately submitted a proposed amendment to the claims that is of a completely different nature than the paper #20 amendment. Further, the paper #23 response appears to be an amendment of a previous version of the claims (possibly the version of the claims as amended 12 Dec 2002) which is other than the immediate previous version of the claims, as filed as a preliminary amendment with the RCE on 17 Mar 2003, which are pending before this Office. MPEP 714.03 states that "The practice set forth in 37 CFR 1.135(c) does not apply where there has been a deliberate omission of some necessary part of a complete reply; rather, 37 CFR 1.135(c) is applicable only when the missing matter or lack of compliance is considered by the examiner as being 'inadvertently omitted.' ... Likewise, once an inadvertent omission is brought to the attention of the applicant, the

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question of inadvertence no longer exists. Therefore, a second Office action giving another new (1 month) time period to supply the omission would not be appropriate under 37 CFR 1.135(c)."

The applicant is hereby advised that the shortened statutory period for supplying the omission or correction to the amendment filed 23 April 2003 was set in paper #21 as being ONE (1) MONTH or THIRTY DAYS, whichever is longer, from the mailing date of paper #21. Since the mailing date of paper #21 was 13 January 2004, the shortened statutory period has expired. However, extensions of this time period may be granted under 37 CFR 1.136(a). Applicant is further advised that in no event may a reply be timely filed after SIX (6) MONTHS from the mailing date of paper #21.

Further, it is noted that a properly executed power of attorney was granted in this application on 20 Aug 2001 to Rick Matos of Innovar, L.L.C., and no revocation of this power is of record. Therefore, unless a revocation and new power of attorney is filed, all future petitions or other communications submitted and signed directly by the applicant or any other person other than the person having authority to prosecute the application will not be entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David O. Reip at (703) 308-3383. The examiner can normally be reached Mon-Thu and every other Fri from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano, can be reached at (703) 308-2496. The official fax number for this Technology Center is (703) 872-9306. The examiner can also receive unofficial direct-to-computer faxes at 703-746-3310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-0858.

A handwritten signature in black ink, appearing to read "David O. Reip". The signature is stylized with a large, looped "D" and a cursive "Reip".

David O. Reip
Primary Examiner
February 19, 2004